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PTO/SB/30 (09-03)

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**Request
for
Continued Examination (RCE)
Transmittal**

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<i>Patent & Trademark Office</i>	<i>O I P E JC1A</i>
Application Number	09/898,043
Filing Date	July 5, 2001
First Named Inventor	Nobuhiko HAYASHI et al.
Art Unit	2926
Examiner Name	Johannes P. MONDT
Attorney Docket Number	010849

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
ii. Other _____

b. Enclosed

- i. Amendment/Reply iii. Information Disclosure Statement (IDS)
ii. Affidavit(s)/ Declaration(s) iv. Other Extension of Time _____

2. **Miscellaneous**

- Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a
a. period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

- a. Deposit Account No. 50-2866
- | | |
|--|-------------------------------------|
| i. <input type="checkbox"/> RCE fee required under 37 CFR 1.17(e) | 01/05/2004 CCHAU1 00000092 09898043 |
| ii. <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17) | 02 FC:1801 770.00 0P |
| iii. <input type="checkbox"/> Other _____ | |
- b. Check in the amount of \$ 1,720.00 enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

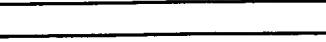
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Kenneth H. Saleen	Registration No. (Attorney/Agent)	43,077
Signature		Date	January 2, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)		Date	
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including the gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments or amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Nobuhiko HAYASHI et al.

Group Art Unit: 2826

Serial No.: 09/898,043

Examiner: Johannes P. MONDT

Filed: July 5, 2001

For: NITRIDE BASED SEMICONDUCTOR LIGHT EMITTING DEVICE AND
NITRIDE BASED SEMICONDUCTOR LASER DEVICE (as Amended
10/14/03)

Attorney Docket No.: 010849
Customer Number: 38834

PRELIMINARY AMENDMENT TO ACCOMPANY RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 2, 2004

Sir:

Prior to examination of this application, Applicants amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks begin on page 5 of this paper.